

SENATE BILL 2433

By Johnson

AN ACT to amend Tennessee Code Annotated, Section  
67-1-1403, relative to a state tax lien registry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-1-1403(b), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision:

(2)

(A) The department may establish and maintain a public database available over the internet known as the state tax lien registry for purposes of recording state tax lien notices pursuant to this subsection (b). The state tax lien registry must include the recorded date and time of a notice of state tax lien, the name of the taxpayer, and the recorded date and time of a notice of release of lien if applicable. A notice of lien in the state tax lien registry is effective statewide from the date and time the notice of lien is recorded. The recordation constitutes notice of both the original proposed assessment and all subsequent assessments of liability against the same taxpayer. Upon request, the department shall disclose the specific amount of liability at a given date to an interested party legally entitled to the information. For purposes of this subsection (b), "state tax lien" means a lien that is filed in favor of the state and enforced by the department pursuant to this section.

(B) Upon implementation of the state tax lien registry, the department shall ensure that all unreleased and unexpired notices of state tax liens

previously recorded by a county register of deeds under subdivision (b)(1) are automatically transferred to the state tax lien registry, and the transfer does not release or otherwise interrupt the effectiveness of a lien. All unreleased and unexpired notices of state tax liens recorded in the office of a county register of deeds continue in operation under the state tax lien registry and remain effective from the date originally recorded by the register of deeds. A notice of release of a state tax lien recorded in the state tax lien registry constitutes a release of the state tax lien within the registry as well as the county in which the state tax lien was previously recorded. The information contained on the state tax lien registry is controlling, and the registry supersedes the records of a county. Upon implementation of the state tax lien registry, the registers of deeds are relieved of statutory obligations for filing and maintaining filed notices of state tax liens. Information must be posted in each county where liens are generally filed providing instructions on how to access the state tax lien registry for recorded notices of state tax liens.

SECTION 2. This act does not invalidate a lien filed by the department of revenue with a county register of deeds prior to the effective date of this act.

SECTION 3. This act takes effect January 1, 2023, the public welfare requiring it.